

DEPARTMENT OF THE ARMY PERMIT

Permittee: Florida Department of Transportation
Attn: Van Humphreys
1109 South Marion Avenue
Lake City, Florida 32025

Permit No: SAJ-2007-3535 (IP-AWP)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The placement of clean fill material in 0.42 acres of waters of the United States (wetlands) and 0.56 acres of temporary impacts to waters of the United States for the replacement of the exiting Lassie Road bridge which crosses the Little St. Mary's River. The work described above is to be completed in accordance with the 3 attachments affixed at the end of this permit instrument.

Project Location: The project is located along Lessie Road in Section 2, Township 3 North, Range 25 East, Hillard, Nassau County, Florida. The project include the replacement of a bridge over the Little St. Mary's River.

Directions to site: From the intersection of US 17 and County Road (CR) 108 in Nassau County proceed west on CR 108. From the intersection of CR 108 and Lassie Road proceed north on Lassie Road. The project is located approximately 0.70 mile north of the CR 108/Lassie Road intersection.

Latitude & Longitude: Latitude 30.7085 North
Longitude 81.7771 West

RECEIVED

FEB 29 2008

JACKSONVILLE DISTRICT
USACE

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Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **March 6, 2013**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to

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ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2007-3614(IP-AWP), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

4. **As-Builts:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 3) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

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b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

5. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

6. **Compensatory Mitigation:** Wetland impacts will be mitigated pursuant to the Senate Bill 1986 Rule - Section 373.4137 Florida Statutes (F.S.). Within 6 months from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall complete compensatory mitigation in accordance with the 2008 St. Johns River Water Management District (SJRWMD) FDOT MITIGATION PLAN, Mitigation Project Group SJ55. Compensatory mitigation plan # 2125941 states the proposed mitigation will include the acquisition of 2 federal credits per acre of impact from Longleaf Mitigation Bank or preservation and enhancement of uplands and wetlands as part of a future acquisition within Drainage Basin 2. A minimum of 0.48 functional units of loss shall be replaced by the mitigation plan.

SJRWMD shall submit an annual status report and five year update of the mitigation described above in accordance with the

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Memorandum of Understanding between the SJRWMD and the United States Army Corps of Engineers, Jacksonville District signed October 16, 2007 and October 9, 2007 respectively.

7. The permittee agrees to restore all temporarily impacted wetlands to pre existing contours.

8. The permittee agrees to control nuisance and exotic vegetation within the restored wetland areas for a period of 5 years. The restored wetlands shall contain less than 5 percent cover of Category I and II invasive exotic plant species, pursuant to the most current list established by the Florida Exotic Pest Plant Council at <http://www.fleppc.org>, and shall include the nuisance species primrose willow (*Ludwigia peruviana*), dogfennel (*Eupatorium capillifolium*), Bermudagrass (*Cynodon* spp.), Bahiagrass (*Paspalum notatum*), and cattail (*Typha* spp.).

9. If after the 5th year of maintenance the restored wetlands do not meet the condition described, with no maintenance during the 5th year of maintenance; the applicant agrees to make corrective measures to restore the temporarily impacted wetland to their pre existing condition. This corrective measure may include replanting with native vegetation.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

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b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

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a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).


c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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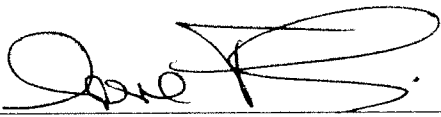
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


(PERMITTEE)


2-26-08
(DATE)


(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.


(DISTRICT ENGINEER)

March 6, 2008
(DATE)

 Paul L. Grosskruger
Colonel, U.S. Army
District Commander

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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree-SIGNATURE)

(DATE)

(NAME-PRINTED)

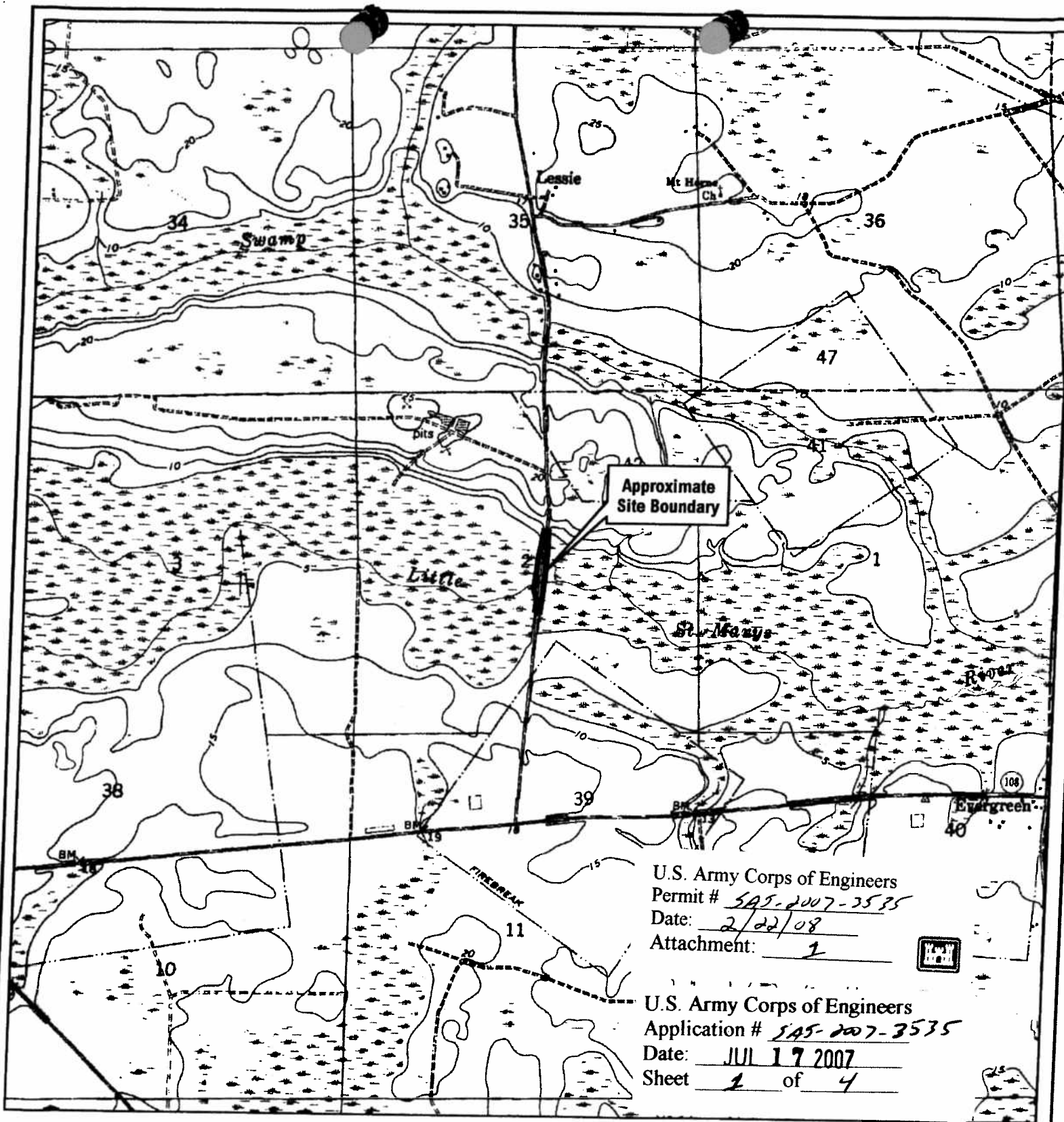
(ADDRESS)

(CITY, STATE, AND ZIP CODE)

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***Attachments to Department of the Army
Permit Number SAJ-2007-3535(IP-AWP)***

1. PERMIT DRAWINGS: 4 pages, dated June 17, 2007
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. seven (7) pages.
3. As-Built Certification: one (1) page



Section: 2

Township: 3 North

Range: 25 East

Lat.: 30° 42' 30.1" N

Long.: 81° 46' 36.4" W

0 2,000'



**Environmental
 Resource
 Solutions Inc.**
 1597 The Greens Way,
 Suite 200
 Jacksonville Beach, FL 32250

Lessie Road Location Map

Source: USGS 7.5' Hilliard NE, FL
 Topographic Quadrangle

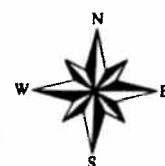
By: MM

Project No.: 03018

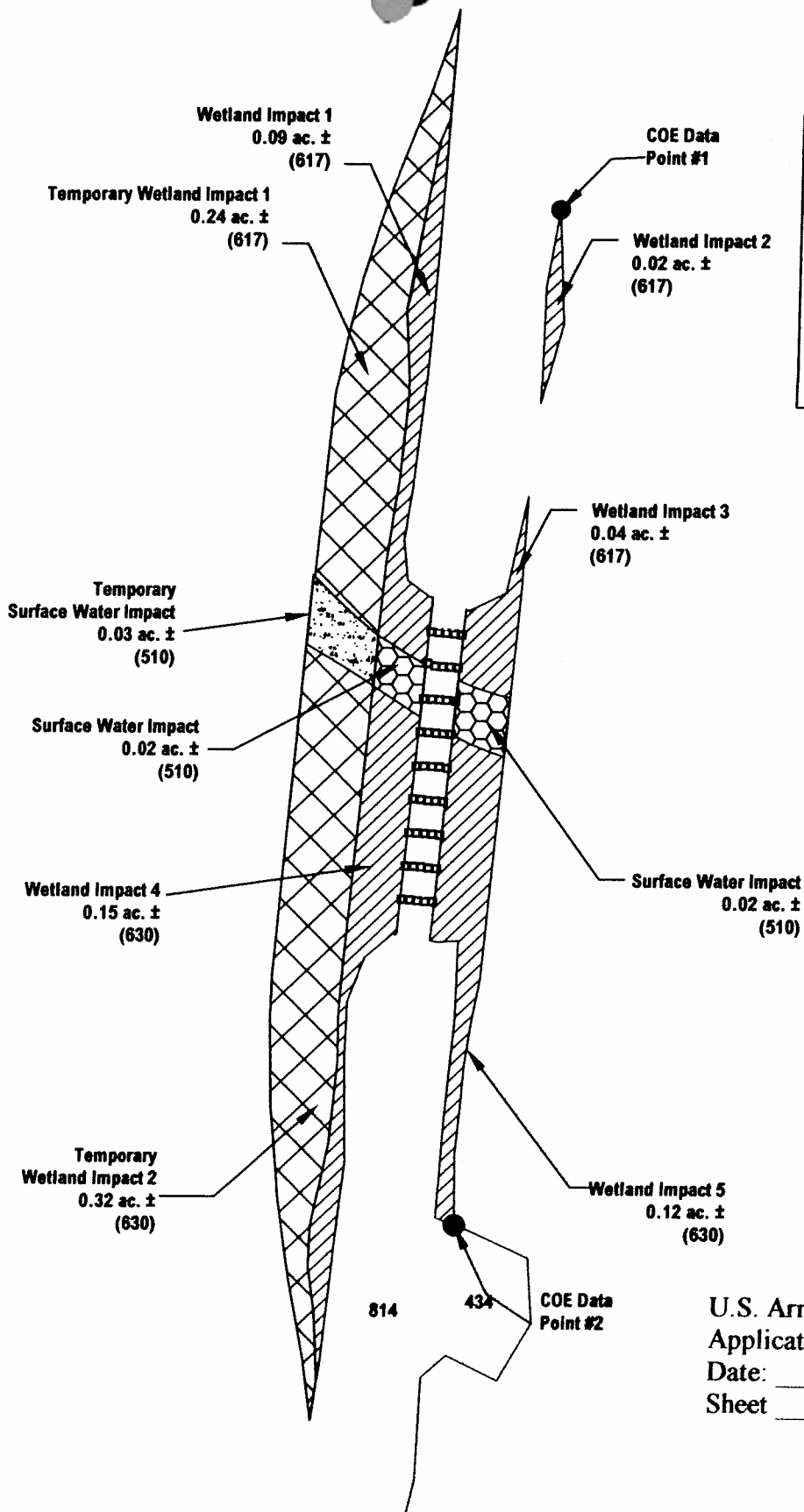
Exhibit No.: 1

Date: 3-15-07

Rev. Date:



File Name: 03018 Loc



Legend		
	Wetland Impact	0.42 ac. ±
	Surface Water Impact	0.04 ac. ±
	Temporary SW Impact	0.03 ac. ±
	Temporary Wetland Impact	0.56 ac. ±

FLUCFCS LEGEND	
434	- Hardwood - Coniferous Mixed
510	- Streams & Waterways
617	- Mixed Wetland Hardwoods
630	- Wetland Forested Mixed
814	- Roads & Highways

U.S. Army Corps of Engineers
 Application # 545-227-3575
 Date: JUL 17 2007
 Sheet 2 of 4



Scale 0' 100'



Environmental
 Resource
 Solutions Inc.
 1007 The Green Way
 Suite 200
 Jacksonville Beach, FL 32260

Lessie Road COE Wetland Impact/FLUCFCS Map

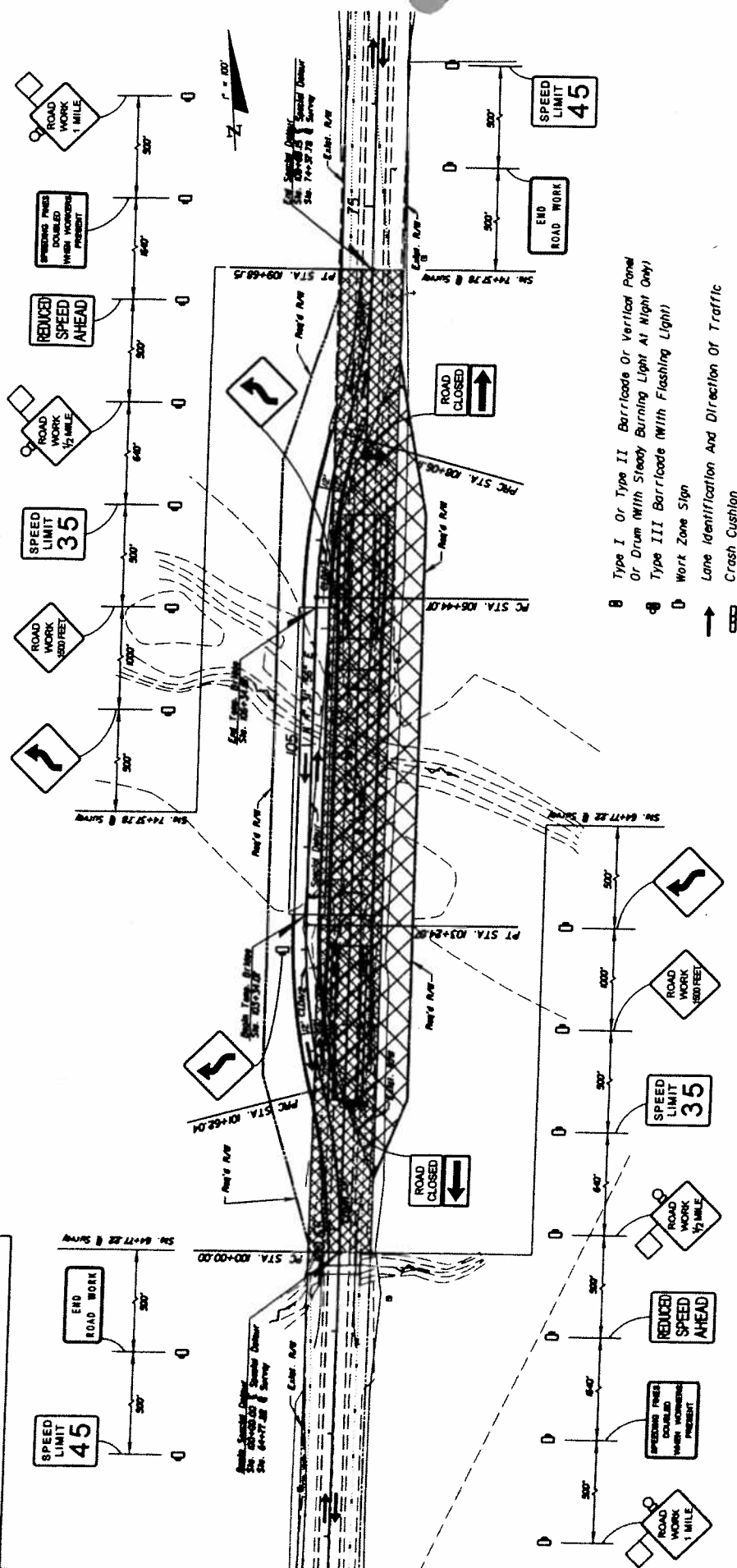
Source: EC Driver & Associates File: 03018 COE ImpR3

Project No.: 03018

Date: 3-15-07 Rev.: 5-14-07

By: JK

Exhibit No.: 3



Donald S. Page
5/32/07

5/30/07

[illegible]

U.S. Army Corps of Engineers
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Construction Activities NOT Allowed

AREA	POINT	STATION	OFFSET	AREA (ACRES)	STATION	POINT	OFFSET	AREA (ACRES)
NA1	1	63+56.75	26.0' LT		22	66+52.49	60.00 RT	
	2	63+54.07	28.3' LT		23	66+50.00	60.00 RT	
	3	64+39.68	48.3' LT		24	66+47.50	60.00 RT	
	4	64+36.54	48.3' LT		25	66+45.00	60.00 RT	
	5	64+33.24	28.32' LT		26	66+42.50	60.00 RT	
	6	64+30.00	28.32' LT		27	66+40.00	60.00 RT	
	7	65+02.65	30.12' LT		28	66+37.50	60.00 RT	
	8	65+00.00	30.12' LT		29	66+35.00	60.00 RT	
	9	65+30.25	30.00' LT		30	66+32.50	60.00 RT	
	10	65+36.85	29.54' LT		31	66+30.00	60.00 RT	
	11	66+07.66	62.88' LT		32	66+27.50	60.00 RT	
	12	67+09.50	72.12' LT		33	66+25.00	60.00 RT	
	13	67+11.64	72.12' LT		34	66+22.50	60.00 RT	
	14	67+13.78	72.12' LT		35	66+20.00	60.00 RT	
	15	67+15.92	72.12' LT		36	66+17.50	60.00 RT	
	16	67+18.06	72.12' LT		37	66+15.00	60.00 RT	
	17	67+20.20	72.12' LT		38	66+12.50	60.00 RT	
	18	67+22.34	72.12' LT		39	66+10.00	60.00 RT	
	19	67+24.48	72.12' LT		40	66+07.50	60.00 RT	
	20	67+26.62	72.12' LT		41	66+05.00	60.00 RT	
	21	67+28.76	72.12' LT		42	66+02.50	60.00 RT	
	22	67+30.90	72.12' LT		43	66+00.00	60.00 RT	
	23	67+33.04	72.12' LT		44	65+57.50	60.00 RT	
	24	67+35.18	72.12' LT		45	65+55.00	60.00 RT	
	25	67+37.32	72.12' LT		46	65+52.50	60.00 RT	
	26	67+39.46	72.12' LT		47	65+50.00	60.00 RT	
	27	67+41.60	72.12' LT		48	65+47.50	60.00 RT	
	28	67+43.74	72.12' LT		49	65+45.00	60.00 RT	
	29	67+45.88	72.12' LT		50	65+42.50	60.00 RT	
	30	67+48.02	72.12' LT		51	65+40.00	60.00 RT	
	31	67+50.16	72.12' LT		52	65+37.50	60.00 RT	
	32	67+52.30	72.12' LT		53	65+35.00	60.00 RT	
	33	67+54.44	72.12' LT		54	65+32.50	60.00 RT	
	34	67+56.58	72.12' LT		55	65+30.00	60.00 RT	
	35	67+58.72	72.12' LT		56	65+27.50	60.00 RT	
	36	67+60.86	72.12' LT		57	65+25.00	60.00 RT	
	37	67+63.00	72.12' LT		58	65+22.50	60.00 RT	
	38	67+65.14	72.12' LT		59	65+20.00	60.00 RT	
	39	67+67.28	72.12' LT		60	65+17.50	60.00 RT	
	40	67+69.42	72.12' LT		61	65+15.00	60.00 RT	
	41	67+71.56	72.12' LT		62	65+12.50	60.00 RT	
	42	67+73.70	72.12' LT		63	65+10.00	60.00 RT	
	43	67+75.84	72.12' LT		64	65+07.50	60.00 RT	
	44	67+77.98	72.12' LT		65	65+05.00	60.00 RT	
	45	67+80.12	72.12' LT		66	65+02.50	60.00 RT	
	46	67+82.26	72.12' LT		67	65+00.00	60.00 RT	
	47	67+84.40	72.12' LT		68	64+57.50	60.00 RT	
	48	67+86.54	72.12' LT		69	64+55.00	60.00 RT	
	49	67+88.68	72.12' LT		70	64+52.50	60.00 RT	
	50	67+90.82	72.12' LT		71	64+50.00	60.00 RT	
	51	67+92.96	72.12' LT		72	64+47.50	60.00 RT	
	52	67+95.10	72.12' LT		73	64+45.00	60.00 RT	
	53	67+97.24	72.12' LT		74	64+42.50	60.00 RT	
	54	67+99.38	72.12' LT		75	64+40.00	60.00 RT	
	55	68+01.52	72.12' LT		76	64+37.50	60.00 RT	
	56	68+03.66	72.12' LT		77	64+35.00	60.00 RT	
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	58	68+07.94	72.12' LT		79	64+30.00	60.00 RT	
	59	68+10.08	72.12' LT		80	64+27.50	60.00 RT	
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	62	68+16.50	72.12' LT		83	64+20.00	60.00 RT	
	63	68+18.64	72.12' LT		84	64+17.50	60.00 RT	
	64	68+20.78	72.12' LT		85	64+15.00	60.00 RT	
	65	68+22.92	72.12' LT		86	64+12.50	60.00 RT	
	66	68+25.06	72.12' LT		87	64+10.00	60.00 RT	
	67	68+27.20	72.12' LT		88	64+07.50	60.00 RT	
	68	68+29.34	72.12' LT		89	64+05.00	60.00 RT	
	69	68+31.48	72.12' LT		90	64+02.50	60.00 RT	
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	78	68+50.74	72.12' LT		99	63+40.00	60.00 RT	
	79	68+52.88	72.12' LT		100	63+37.50	60.00 RT	
	80	68+55.02	72.12' LT		101	63+35.00	60.00 RT	
	81	68+57.16	72.12' LT		102	63+32.50	60.00 RT	
	82	68+59.30	72.12' LT		103	63+30.00	60.00 RT	
	83	68+61.44	72.12' LT		104	63+27.50	60.00 RT	
	84	68+63.58	72.12' LT		105	63+25.00	60.00 RT	
	85	68+65.72	72.12' LT		106	63+22.50	60.00 RT	
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	87	68+70.00	72.12' LT		108	63+17.50	60.00 RT	
	88	68+72.14	72.12' LT		109	63+15.00	60.00 RT	
	89	68+74.28	72.12' LT		110	63+12.50	60.00 RT	
	90	68+76.42	72.12' LT		111	63+10.00	60.00 RT	
	91	68+78.56	72.12' LT		112	63+07.50	60.00 RT	
	92	68+80.70	72.12' LT		113	63+05.00	60.00 RT	
	93	68+82.84	72.12' LT		114	63+02.50	60.00 RT	
	94	68+84.98	72.12' LT		115	63+00.00	60.00 RT	
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	101	68+100.00	72.12' LT		122	62+42.50	60.00 RT	
	102	68+102.14	72.12' LT		123	62+40.00	60.00 RT	
	103	68+104.28	72.12' LT		124	62+37.50	60.00 RT	
	104	68+106.42	72.12' LT		125	62+35.00	60.00 RT	
	105	68+108.56	72.12' LT		126	62+32.50	60.00 RT	
	106	68+110.70	72.12' LT		127	62+30.00	60.00 RT	
	107	68+112.84	72.12' LT		128	62+27.50	60.00 RT	
	108	68+114.98	72.12' LT		129	62+25.00	60.00 RT	
	109	68+117.12	72.12' LT		130	62+22.50	60.00 RT	
	110	68+119.26	72.12' LT		131	62+20.00	60.00 RT	
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	113	68+125.68	72.12' LT		134	62+12.50	60.00 RT	
	114	68+127.82	72.12' LT		135	62+10.00	60.00 RT	
	115	68+130.00	72.12' LT		136	62+07.50	60.00 RT	
	116	68+132.14	72.12' LT		137	62+05.00	60.00 RT	
	117	68+134.28	72.12' LT		138	62+02.50	60.00 RT	
	118	68+136.42	72.12' LT		139	62+00.00	60.00 RT	
	119	68+138.56	72.12' LT		140	61+57.50	60.00 RT	
	120	68+140.70	72.12' LT		141	61+55.00	60.00 RT	
	121	68+142.84	72.12' LT		142	61+52.50	60.00 RT	
	122	68+144.98	72.12' LT		143	61+50.00	60.00 RT	
	123	68+147.12	72.12' LT		144	61+47.50	60.00 RT	
	124	68+149.26	72.12' LT		145	61+45.00	60.00 RT	
	125	68+151.40	72.12' LT		146	61+42.50	60.00 RT	
	126	68+153.54	72.12' LT		147	61+40.00	60.00 RT	
	127	68+155.68	72.12' LT		148	61+37.50	60.00 RT	
	128	68+157.82	72.12' LT		149	61+35.00	60.00 RT	
	129	68+160.00	72.12' LT		150	61+32.50	60.00 RT	
	130	68+162.14	72.12' LT		151	61+30.00	60.00 RT	
	131	68+164.28	72.12' LT		152	61+27.50	60.00 RT	
	132	68+166.42	72.12' LT		153	61+25.00	60.00 RT	
	133	68+168.56	72.12' LT		154	61+22.50	60.00 RT	
	134	68+170.70	72.12' LT		155	61+20.00	60.00 RT	
	135	68+172.84	72.12' LT		156	61+17.50	60.00 RT	
	136	68+174.98	72.12' LT		157	61+15.00	60.00 RT	
	137	68+177.12	72.12' LT		158	61+12.50	60.00 RT	
	138	68+179.26	72.12' LT		159	61+10.00	60.00 RT	
	139	68+181.40	72.12' LT		160	61+07.50	60.00 RT	
	140	68+183.54	72.12' LT		161	61+05.00	60.00 RT	
	141	68+185.68	72.12' LT		162	61+02.50	60.00 RT	
	142	68+187.82	72.12' LT		163	61+00.00	60.00 RT	
	143	68+190.00	72.12' LT		164	60+57.50	60.00 RT	
	144	68+192.14	72.12' LT		165	60+55.00	60.00 RT	
	145	68+194.28	72.12' LT		166	60+52.50	60.00 RT	
	146	68+196.42	72.12' LT		167	60+50.00	60.00 RT	
	147	68+198.56	72.12' LT		168	60+47.50	60.00 RT	
	148	68+200.70	72.12' LT		169	60+45.00	60.00 RT	
	149	68+202.84	72.12' LT		170	60+42.50	60.00 RT	
	150							

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO. 4-089-111645-1
PROJECT NAME: Lessie Road

DATE ISSUED: December 11, 2007

A PERMIT AUTHORIZING:

Replacement of an existing bridge over the Little St. Mary's River for Lessie Road, a 2.00-acre project.

LOCATION:

Section(s): 2 Township(s): 3N Range(s): 25E

Nassau County

ISSUED TO:

Florida Department of Transportation
1109 S Marion St
Lake City, FL 32025

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to permittee any property rights nor any rights of privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes:

PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated December 11, 2007

AUTHORIZED BY: St. Johns River Water Management District

Department of Water Resources

Governing Board

By: Jeff Elledge

Jeff Elledge
(Director)

By: Kirby B. Green III

Kirby B. Green III
(Assistant Secretary)

U.S. Army Corps of Engineers
Permit # SAT-2007-3535
Date: 2/22/08
Attachment: 2



"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 4-089-111645-1
FLORIDA DEPARTMENT OF TRANSPORTATION
DATED DECEMBER 11, 2007

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.
4. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), which are incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40C-4.900(3) indicating the actual start date and the expected completion date.
7. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40C-4.900(4). These forms shall be submitted during June of each year.
8. For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior

to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

9. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by the portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to local government or other responsible entity.
10. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing As Built Certification Form 40C-1.181(13) or 40C-1.181(14) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:
 1. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
 2. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;
 3. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine state-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;
 4. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;
 5. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;
 6. Existing water elevation(s) and the date determined; and Elevation and location of benchmark(s) for the survey.

11. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of general condition 9 above, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, the permittee shall be liable for compliance with the terms of the permit.
12. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior implementation so that a determination can be made whether a permit modification is required.
13. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and chapter 40C-4 or chapter 40C-40, F.A.C.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under rule 40C-1.1006, F.A.C., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of rule 40C-1.612, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
20. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

21. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
22. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
23. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
24. Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
25. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
26. Structures or activities shall not create a navigational hazard.
27. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
28. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.
29. This permit for construction will expire five years from the date of issuance.
30. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
31. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
32. The proposed bridge replacement and temporary detour shall be constructed in accordance with plans received by the District on June 05, 2007.
33. Mitigation shall be as per the plans received by the District on June 5, 2007.

SSL Conditions

1. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).
2. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.

3. Siltation barriers shall be made of material in which manatees cannot become entangled, and shall be properly secured and regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to, or exit from, essential habitat.
4. All vessels associated with construction/dredging activities shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels shall follow routes of deep water whenever possible.
5. If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee(s). These precautions shall include the operation of all moving equipment no closer than within 50 feet of a manatee. Operation of any equipment within 50 feet or less of a manatee is prohibited. Upon discovery of a manatee within 50 feet or less from construction equipment, such equipment shall be shut down immediately. Activities associated with construction or dredging shall not resume until the manatee(s) has departed the project area of its own volition.
6. Any collision with and/or injury to a manatee shall be reported immediately to the Fish and Wildlife Conservation Commission at (1-888-404-FWCC). Collision and injury should also be reported to the U. S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or in Vero Beach (1-561-562-3909) in south Florida.
7. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 feet by 4 feet that reads **Caution: Manatee Area** shall be posted in a location prominently visible to water-related construction crews. A second sign shall be posted if vessels are associated with the construction or dredging activities authorized by a permit consolidated with this sovereign submerged lands authorization, and shall be placed in a location visible to the vessel operator. It shall measure at least 8 ½" by 11" and read:

Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shut down if a manatee comes within 50 feet of any operating construction equipment. Any collision with and/or injury to a manatee shall be reported immediately to the Fish and Wildlife Conservation Commission at (1-888-404-FWCC). The U.S. Fish and Wildlife Service should also be contacted in Jacksonville at (1-904-232-2580) for north Florida or in Vero Beach (1-561-562-3909) for south Florida.

Marinas, Docking/Launching Facilities, Permanent Caution and Information Display Signs

8. Prior to the commencement of operations at the docking/launching facility, permittee shall install and maintain permanent manatee awareness signs and information displays at the docking/launching facility. Prior to installing the permanent manatee awareness signs and information displays, the permittee shall send a project site plan specifying the number, size, content and location of the signs to the Bureau of Protected Species Management (620 South Meridian Street, OES-BPS, Tallahassee, FL 32399-1600) and the District for review and approval. These signs shall conform to the Florida Uniform Water Marking System in accordance with sections 327.40 and 327.41, Florida Statutes.

9. Prior to the commencement of operations at the docking/launching facility, permittee shall install permanent manatee awareness signs reading "Caution – Manatee Area". The number and location of these permanent manatee awareness signs shall be included in the project site plan. The permanent manatee awareness signs shall measure 3' by 4'. The "Caution – Manatee Area" signs are the responsibility of the permittee and must be maintained for the life of the docking/launching facility.
10. Prior to the commencement of operations at the docking/launching facility, permittee shall install a permanent "Information Display." The Information Display shall consist of "Manatee Basics for Boaters" or a combination of "Protecting the Gentle Giant" and "The Florida Manatee." If the permittee selects "Manatee Basics for Boaters", the sign shall measure 3' by 4'. If the permittee selects a combination of "Protecting the Gentle Giant" and "The Florida Manatee", each sign shall measure 2' by 3'. The Information Display must be installed by permittee at a prominent location (facing land) to increase the awareness of boaters using the facility of the presence of manatees and of the need to minimize the threat of boats to these animals. The number, content and location of the Information Display signs shall be specified in the project site plan. The Information Display signs are the responsibility of the permittee and must be maintained for the life of the docking/launching facility.
11. Prior to the commencement of operations at the docking/launching facility, verification that permanent manatee awareness signs and information displays have been installed at designated locations shall be provided to the District. Signs, displays and pilings remain the responsibility of the permittee and are to be maintained for the life of the facility.

SSL Other Conditions

1. For activities on sovereign submerged lands that require a letter of consent, lease, easement, management agreement, or use agreement, construction shall not commence until the sovereign submerged lands instrument has been fully executed.
2. The proposed structures to be constructed on sovereign submerged lands shall be constructed in accordance with plans received by the District on June 5, 2007.

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineered drawings to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-2907.

1. Department of the Army Permit Number: _____

2. Permittee Information:

Name _____

Address _____

3. Project Site Identification:

Physical location/address _____

4. As-Built Certification:

I hereby certify that the authorized work has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer

Name (Please type)

Florida Reg. Number

Company Name

Address

City

State

ZIP

(Affix Seal)

Date

Telephone Number

Deviations from the approved plans and specifications: (attach additional pages if necessary)

U.S. Army Corps of Engineers

Permit # 545-2007-3535

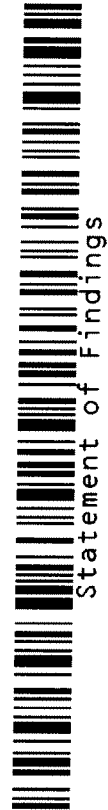
Date: 2/22/08

Attachment: 3



Statement of Findings

Number: _____



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CESAJ-RD-P (1145b)
SAJ-2007-3535(IP-AWP)

RECEIVED
FEB 25 2008
JACKSONVILLE DISTRICT
USACE

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and
Statement of Findings for the Above-numbered Permit Application

1. Applicant: Florida Department of Transportation
Attn: Van Humphreys
1109 South Marion Avenue
Lake City, Florida 32025
2. Location, Project Description, Existing Conditions: The
project is located along Lessie Road in Section 2, Township 3
North, Range 25 East, Hillard, Nassau County, Florida. The
project include the replacement of a bridge over the Little St.
Mary's River.

The applicant proposes to permanently impact 0.42 acres of waters
of the United States (wetlands) for the replacement of the
existing Lessie Road bridge which crosses the Little St. Mary's
River. Additionally, the applicant proposes 0.56 acre of
temporary impacts to wetlands for the construction of a temporary
bridge on the west side of the existing roadway.

The applicant has identified five vegetative/land use community
types within the project limits. These communities were
classified using the Florida Department of Transportation (FDOT)
Florida Land Use, Cover and Forms Classification System (FLUCFCS,
1999).

On-site forested uplands are described as Hardwood-Coniferous
Mixed (FLUCFCS code 434). Dominant species in this community
include slash pine (*Pinus elliottii*), red maple (*Acer rubrum*),
southern magnolia (*Magnolia grandiflora*), pignut hickory (*Carya
glabra*), saw palmetto (*Serenoa repens*), and bracken fern
(*Pteridium aquilinum*). This community occurs in the
southeastern portion of the project area.

Two forested wetland communities exist within the project
boundaries. Wetlands occurring in the northern portion of the
project area are described as Mixed Wetland Hardwoods (617).
Dominant species within this community include red maple, swamp
tupelo (*Nyssa sylvatica* var. *biflora*), sweetgum (*Liquidambar
styraciflua*), loblolly bay (*Gordonia lasianthus*), dwarf palmetto
(*Sabal minor*), and wax myrtle (*Myrica cerifera*). Wetlands which
occur in the southern portion of the project area are classified

CESAJ-RD-P (SAJ-2007-3535(IP-AWP))

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings on the Above-Numbered Permit Application.

as Wetland Forested Mixed (630). While species composition is nearly identical to the other wetland community, the addition of cypress (*Taxodium* spp.) as a dominant canopy species in this area yields a change in classification.

The Streams and Waterways (510) classification is used to describe Little St. Marys River.

The Roads and Highways (814) classification describes the existing right-of-way of Lessie Road.

3. Project Purpose: Basic: Replacement of existing bridge.

Overall: Replacement of the exiting Lassie Road bridge crossing the Little St. Mary's River.

4. Scope of Analysis: The scope of analysis was limited to the project site and included endangered species, essential fisheries habitat concerns, and cultural resources.

5. Statutory Authority: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

6. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

a. State Permit/Certification: The St. Johns River Water Management District (SJRWMD) permit number 4-089-111645-1 was issued on 11 December 2007.

b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida Coastal Zone Management Plan. Issuance of a SJRWMD permit certifies that the project is consistent with the CZM plan.

c. Other Authorizations: No information has been received regarding any other authorizations that may be required.

7. Date of Public Notice and Summary of Comments

a. The application was received on 8 June 2007. The application was considered complete on 16 July 2007. A public notice was issued on August 7, 2007, and sent to all interested

CESAJ-RD-P (SAJ-2007-3535(IP-ÀWP))

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings on the Above-Numbered Permit Application.

parties including appropriate State and Federal agencies. All comments received on this application have been reviewed and are summarized below:

(1) Environmental Protection Agency (EPA): Did not respond to the public notice.

(2) U.S. Fish and Wildlife Service (FWS): Did not respond to the public notice.

(3) National Marine Fisheries Service (NMFS): By letter dated 4 September 2007, the NMFS had no objection to the proposed project.

(4) State Historic Preservation Officer (SHPO): Did not respond to the public notice.

(5) No comments were received from State or Local agencies, organizations, individuals or any other interested party.

b. Applicant's response to the comments: The comments were not coordinated with the applicant since no adverse comments were received.

8. Alternatives:

a. Avoidance (No action, uplands, availability of other sites): The project purpose does not allow for flexibility of multiple alternatives for the proposed project. The replacement of an existing Lessie Road bridge over the Little St. Mary's River due to safety issues has two alternatives including no action and bridge replacement. The no action alternative would not replace the bridge and generate an even greater hazard to vehicular traffic since the bridge has structural concerns. The replacement alternative would be to physically remove and construct the bridge at its current location. This alternative would not include major changes to the existing Lessie Road alignment which reduces impacts to regulated resources.

b. Minimization (modified project designs, etc.): The applicant proposes impacts to construct a temporary bridge that will allow for continuous traffic flow. The construction of a temporary bridge will allow for in-line replacement of the structure eliminating the need for a shifted alignment, thereby

CESAJ-RD-P (SAJ-2007-3535(IP-AWP))

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings on the Above-Numbered Permit Application.

reducing impacts to regulated resources. Further, the new bridge is designed to minimize contact with the wetland areas and surface waters. The applicant has evaluated the use of a detour to maintain traffic flow during construction. This detour would require residents to travel 15 miles around the project site. The applicant has evaluated this minimization alternative and determined it is not feasible.

c. Compensatory Mitigation (Wetland enhancement, creations, etc.): The applicant has completed a Uniform Mitigation Assessment Method to determine the functional loss associated with the proposed project. The applicant has determined 0.341 functional units of loss would occur as a result of direct impacts. The Corps has determined 0.23 functional units of loss would result from temporary impacts. A total of 0.57 functional units would need to be replaced to ensure no net loss of functional value. The applicant has proposed compensatory mitigation to offset all unavoidable impacts to Corps jurisdictional wetlands. Wetland impacts will be mitigated pursuant to the Senate Bill 1986 Rule - Section 373.4137 Florida Statutes (F.S.). The compensatory mitigation plan # 2125941 is defined in the 2008 SJRWMD FDOT MITIGATION PLAN, Mitigation Project Group SJ55. Mitigation will include the acquisition of 2 federal credits per acre of impact from Longleaf Mitigation Bank or preservation and enhancement of uplands and wetlands as part of a future acquisition within Drainage Basin 2. A total of 0.48 functional units of loss will occur as a result of this project.

The applicant will be required to re-grade temporary impacted wetland areas to pre existing contours. Additionally, the applicant will control nuisance and exotic vegetation within restored areas for a period of 5 years.

9. Evaluation of the 404(b)(1) Guidelines: The proposed project has been reviewed in accordance with the 404 (b)(1) Guidelines. The review shows that all the alternatives have been reviewed and it has been adequately demonstrated that the proposed alternative is the least environmentally damaging and only practicable alternative considering cost, existing technology and logistics. It would not cause or contribute to violations of State Water quality standards, jeopardize the existence of any endangered species or impact a marine sanctuary. No significant degradation would be expected and all appropriate and practicable steps have been taken to minimize impacts.

CESAJ-RD-P (SAJ-2007-3535(IP-AWP))

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings on the Above-Numbered Permit Application.

10. Public Interest Review:

a. Corps analysis of comments and responses: All comments received in response to the public notice have been considered in the following public interest review.

b. All public interest factors have been reviewed, including but not limited to the effects the work might have on conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership. It has been determined that the proposed work will not adversely impact any of the public interest factors.

c. Describe the relative extent of the public and private need for the proposed structure or work: The public need includes safe public transportation, increased carrying capacity of the roadway and the more effective movement of vehicular traffic. Private need include access to privately owned lands.

d. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the purposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use.

e. Describe the extent and permanence of the beneficial and/or detrimental effects which the proposed work is likely to have on the public and private uses to which the area is suited: Detrimental impacts are expected to be minimal although they would be permanent in the construction area. The beneficial effects for public transportation may include an increase in public safety, increased carrying capacity of the roadway and the more effective movement of vehicular traffic. The increased carrying capacity may also facilitate intrastate/interstate commerce.

f. Threatened or Endangered Species: The proposed project will not jeopardize the continued existence or critical habitat of any threatened or endangered species.

g. Essential Fisheries Habitat (EFH): The public notice included an initial determination that the project would not have

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an adverse impact on EFH or Federally managed fisheries. The NMFS did not provide any EFH conservation recommendations in response to the public notice. Therefore, the Corps is satisfied that the consultation procedures outlined in 50 CFR Section 600.920 of the regulation to implement the EFH provisions of the Magnuson-Stevens Act have been met.

h. Corps Wetland Policy: The proposed wetland alteration is necessary to realize the project purpose and should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. The project would result in a no-net loss of wetland functions and values. Therefore the project is in accordance with the Corps wetland policy.

i. Cumulative and Secondary Impacts: Cumulative and secondary impacts would not be unacceptable. Filling of wetlands at this project site would not set precedent for additional filling activities in waters of the United States to occur. Cumulative impacts would be reduced by the completion of compensatory mitigation within the same drainage basin. The applicant will incorporate Best Management Practices to reduce potential secondary impacts.

j. Corps Comments and Responses: No adverse comments were received in response to the public notice circulated for this project.

11. Determinations:

a. Finding of No Significant Impact (FONSI). Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

b. Compliance with 404(b)(1) guidelines. Having completed the evaluation in paragraph 7 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

c. Public interest determination: I find that issuance of a Department of the Army permit is not contrary to the public interest.

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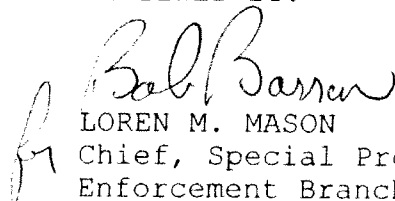
d. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed *de minimis* levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

PREPARED BY:



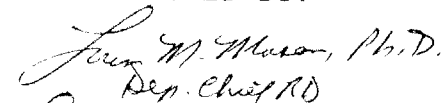
ANDREW W. PHILLIPS
Project Manager

REVIEWED BY:



LOREN M. MASON
Chief, Special Projects and
Enforcement Branch

APPROVED BY:



PAUL L. GROSSKRUGER
Colonel, Corps
of Engineers Commanding

CF:
CESAJ-RD-PE